THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 18818 of 2005

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DATED:25 –08-2005

M/s Raghava Estates Limited,

rep by its Assistant Manager,
N.Sridhar Babu.

..... PETITIONER

AND

The Gram Panchayat,

rep by its Panchayat Secretary,

Grama Sachivalayam, Vuyyuru,
Krishna District.

.....RESPONDENT

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ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking a Mandamus declaring the proceedings of the respondent, in ROC.No.384/2005, A3, dated 16-07-2005, as illegal and arbitrary.

2. It is the case of the petitioner that their company has taken up the development activity in the property covered by RS.No.1036/1P and 1037/1P admeasuring an extent of Ac.13-00 cents situated at Vuyyuru village, Krishna District, which was owned by one Vallabhaneni Rambabu and others. In that context, the petitioner submitted an application for sanction of layout to the respondent. The respondent in turn forwarded the same to the Director of Town Planning vide its proceedings in ROC.No.384/2005, A3, dated 12-07-2005. The petitioner has paid the tentative layout fee on 29-04-2005. At the time of submitting the application, the Managing Director of the petitioner company has given an undertaking to the respondent that they are developing a satellite Township in the name of Jagannathapuram in the said property and constructing a compound wall around the colony for the purpose of security. Further, on 18-04-2005, the petitioner gave another undertaking that as

and when the housing development takes place in the adjacent land, they will demolish the compound wall and that the water tank, beverage treatment plant and open space will be handed over to the respondent without claiming any compensation. While so, the respondent issued a notice,
dated 16-07-2005, to the petitioner to remove the said compound wall. Aggrieved thereby, the petitioner approached this Court by way of filing the present Writ Petition.

3. Heard both sides.

4. I have perused the entire material on record.

5. Considering the facts and circumstances of the case, it appears the petitioner has already given an undertaking to the respondent before constructing the compound wall. Therefore, no prejudice would be caused to the respondent by the construction of the said compound wall. Accordingly, the impugned notice, dated 16-07-2005, is set aside.

6. The Writ Petition is accordingly allowed. No order as to costs.

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(ELIPE DHARMA RAO,J)

25th August, 2005.

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